

JS 44C/SDNY  
REV. 4/2014

JUDGE ENGELMAYER

CIVIL COVER SHEET

15 CV 28831

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

APR 14 2015

PLAINTIFFS  
DELAWARE TRUST COMPANY, as TCEH First Lien Indenture TrusteeDEFENDANTS  
WILMINGTON TRUST, N.A., as First Lien Collateral Agent and First Lien Administrative AgentATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Michael S. Kim, Jeremy C. Hollembeck, Melanie L. Oxhorn  
Kobre & Kim LLP  
800 Third Avenue, New York, New York 10022 // (212) 488-1200ATTORNEYS (IF KNOWN)  
Jonathan Rosenberg, George A. Davis, Daniel S. Shrimah  
O'Melvary & Myers LLP  
7 Times Square, New York, New York 10036 // (212) 386-2000CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

28 U.S.C. § 1452, 11 U.S.C. §§ 361, 363. This case concerns a dispute arising in and arising under title 11.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously AssignedIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES	
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/	[ ] 825 DRUG RELATED
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY
[ ] 130 MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	21 USC 881
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	[ ] 366 PERSONAL INJURY	[ ] 880 OTHER
INSTRUMENT	SLANDER	PRODUCT LIABILITY	
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL	[ ] 368 ASBESTOS PERSONAL	
OVERPAYMENT &	EMPLOYERS'	INJURY PRODUCT	
ENFORCEMENT	LIABILITY	LIABILITY	
OF JUDGMENT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>	
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT	[ ] 370 OTHER FRAUD	
[ ] 152 RECOVERY OF	LIABILITY	[ ] 371 TRUTH IN LENDING	
DEFAULTED	[ ] 350 MOTOR VEHICLE		
STUDENT LOANS	[ ] 355 MOTOR VEHICLE		
(EXCL VETERANS)	PRODUCT LIABILITY		
RECOVERY OF	[ ] 360 OTHER PERSONAL		
OVERPAYMENT	INJURY	[ ] 369 OTHER PERSONAL	
OF VETERAN'S	[ ] 362 PERSONAL INJURY -	PROPERTY DAMAGE	
BENEFITS	MED MALPRACTICE	[ ] 365 PROPERTY DAMAGE	
[ ] 160 STOCKHOLDERS		PRODUCT LIABILITY	
SUITS		<b>PRISONER PETITIONS</b>	
[ ] 165 OTHER		[ ] 463 ALIEN DETAINEE	
CONTRACT		[ ] 510 MOTIONS TO	
[ ] 195 CONTRACT		VACATE SENTENCE	
PRODUCT		28 USC 2255	
LIABILITY		[ ] 530 HABEAS CORPUS	
[ ] 196 FRANCHISE		[ ] 535 DEATH PENALTY	
		[ ] 540 MANDAMUS & OTHER	
	<b>ACTIONS UNDER STATUTES</b>		
	<b>CIVIL RIGHTS</b>		
	[ ] 440 OTHER CIVIL RIGHTS		
	(Non-Prisoner)		
	[ ] 441 VOTING		
	[ ] 442 EMPLOYMENT		
	[ ] 443 HOUSING/		
	ACCOMMODATIONS		
	[ ] 445 AMERICANS WITH		
	DISABILITIES -		
	EMPLOYMENT		
	[ ] 446 AMERICANS WITH		
	DISABILITIES - OTHER		
	[ ] 448 EDUCATION		
		<b>PRISONER CIVIL RIGHTS</b>	
		[ ] 550 CIVIL RIGHTS	
		[ ] 555 PRISON CONDITION	
		[ ] 560 CIVIL DETAINEE	
		CONDITIONS OF CONFINEMENT	
		<b>IMMIGRATION</b>	
		[ ] 462 NATURALIZATION	
		APPLICATION	
		[ ] 465 OTHER IMMIGRATION	
		ACTIONS	
<b>REAL PROPERTY</b>			
[ ] 210 LAND			
CONDEMNATION			
[ ] 220 FORECLOSURE			
[ ] 230 RENT LEASE &			
EJECTMENT			
[ ] 240 TORTS TO LAND			
[ ] 245 TORT PRODUCT			
LIABILITY			
[ ] 250 ALL OTHER			
REAL PROPERTY			

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D. N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form JH-32).

(PLACE AN X IN ONE BOX ONLY)

- ORIGIN**
- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☒ a. all parties represented ☐ b. At least one party is pro se.

(PLACE AN X IN ONE BOX ONLY)

- BASIS OF JURISDICTION**
- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW

## CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] [ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] [ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] [ ]
CITIZEN OF ANOTHER STATE	[ ] [ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] [ ]	FOREIGN NATION	[ ] [ ]

## PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Delaware Trust Company  
2711 Centerville Road, Suite 400  
Wilmington, Delaware 19808

## DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Wilmington Trust, N.A.  
1100 North Market Street  
Wilmington, Delaware 19890

## DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN  
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 04/14/2015 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[x] YES (DATE ADMITTED Mo. 04, Yr. 1986)

Attorney Bar Code # JR9739

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)